

# FISH & NEAVE

1251 AVENUE OF THE AMERICAS

CHARLES B. SMITH  
DAVID W. PLANT  
ALBERT E. FEY  
JOHN O. TRAMONTINE  
HERBERT F. SCHWARTZ  
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WILLIAM J. GILBRETH  
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DOUGLAS J. GILBERT  
DENISE L. LORING  
JEFFREY H. INGERMAN

FREDERICK P. FISH  
1855-1930  
CHARLES NEAVE  
1867-1937

NEW YORK, NY 10020

TELEPHONE: (212) 596-9000

TELEX: 14-8367

CABLE ADDRESS: FISHNEAVE

TELECOPIER: (212) 596-9090

525 UNIVERSITY AVENUE  
PALO ALTO, CALIFORNIA 94301

TELEPHONE: (415) 617-4000

TELECOPIER: (415) 617-4090

A. PETER ADLER  
RICHARD A. INZ

THOMAS J. VETTER  
C. JOSEPH LAUGHON, II

LISA E. CRISTAL  
MARK H. BLOOMBERG  
ALAN D. SMITH  
DAVID C. PLACHE  
JANE A. MASSARO  
DUANE-DAVID HUGH  
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MARTHA E. GROSS  
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IVOR R. ELRIFI  
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KATHRYN F. REYBURN  
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ELIZABETH SHIELDKRET  
KAREN J. CHOI  
ANNE M. BRITT  
STEVEN CHERNY  
ADAM T. BERNSTEIN  
SARA B. GOLDSTEIN

October 27, 1992

James E. Schardt, Esq.  
Assistant General Counsel  
Philip Morris Management Corp.  
P.O. Box 26583  
Richmond, VA 23261-6583

PM-1268 EPO

Dear Jim:

DUE DEC 17

RECEIVED  
PHILIP MORRIS MANAGEMENT CORP.  
LAW DEPT.-PATENT SECTION

NOV - 2 1992

NOTED

I enclose a copy of the EPO Examiner's most recent official letter in the above identified case. In this letter, the Examiner rejects our arguments to distinguish LU-A-82835 with regard to claim 1 (and the claims dependent thereon). Note that the Examiner states that his rejection of our arguments "are such that there appears to be no possibility of overcoming [the rejection] by amendment" (p. 4, ¶ 5). Please ask Harvey Grubbs and Ravi Prasad to review this case, including the claims and LU-A-82835 (all attached) and let me know if they can find a way of responding to the EPO Examiner's rejections. No amendments or arguments are readily apparent to me that have not already been attempted. I need their comments within the next few weeks so that I can promptly send my comments to John Bass.

Please do not hesitate to have the inventors call me with questions at 212-956-9112.

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Very truly yours,

*Ronald A. Krasnow*  
Ronald A. Krasnow

RAK/jm

Enclosures

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